

Notice of Allowability

Application No.

10/090,927

Examiner

Khanh Tran

Applicant(s)

OKSALA ET AL.

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment After Final Rejection filed on 07/19/2007.
2. ☒ The allowed claim(s) is/are 1, 3, 5-8, 12-14, 17, 19, 21, 23, 26-27 and 29-34, which have been renumbered as set forth in the Office action.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

1. The Amendment After Final Rejection filed on 07/19/2007 has been entered. Claims 1, 3, 5-8, 12-14, 17, 19, 21, 23, 26-27 and 29-34 are pending in this Office action.

2. Claims 1, 3, 5, 7, 6, 19, 8, 12-13, 21-23, 31-32, 17, 33-34, 26-27 and 29-30 have been renumbered as claims 1-21, respectively.

Response to Arguments

3. Applicant's arguments, see Applicant's Remarks, filed on 07/19/2007, with respect to claims 11, 25 and 28 have been fully considered and are persuasive. The rejection of claims 11, 25 and 28 has been withdrawn.

4. Objection to claims 28 and 34-35 has been withdrawn after claims 28 and 35 are cancelled and claim 34 is corrected for the informalities.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

5. Regarding claim 1, as recited in the last Office action, claim is allowable over prior art of record because the cited references cannot teach or suggest "correcting the reference level by calculating a running average of the reference level with respect to

time" and "calculating the running average by using a predetermined number of said at least one frames as a forgetting factor".

6. Regarding claim 14, as recited in the last Office action, claim is allowable over prior art of record because the cited references cannot teach or suggest "correcting the reference level by calculating a running average of the reference level with respect to time" and "calculating the running average by using a predetermined number of said at least one frames as a forgetting factor".

7. Regarding claim 26, claim is allowable over prior art of record because the cited references cannot teach or suggest "the device is configured to calculate the reference level as a weighted or un-weighted average of the signal strength of several frames".

8. Regarding claim 27, claim is allowable over prior art of record because the cited references cannot teach or suggest "the device is configured to calculate the running average by using filtering with a varying length".

9. Regarding claim 29, claim is allowable over prior art of record because the cited references cannot teach or suggest "calculating the reference level as a weighted or un-weighted average of the signal strength of several frames".

10. Regarding claim 30, claim is allowable over prior art of record because the cited references cannot teach or suggest "calculating the running average by using filtering with a varying length".

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

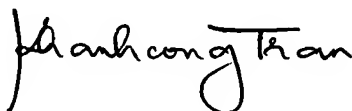
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Tran whose telephone number is 571-272-3007. The examiner can normally be reached on Monday - Friday from 08:00 AM - 05:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shuwang Liu can be reached on 571-272-3036. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KCT



KHANH C. TRAN
PRIMARY EXAMINER

07/30/2007
AU 2631